

Frequently Asked Questions about Family and Medical Leave

January 2007

1. *What is FMLA?*

The Family and Medical Leave Act, commonly referred to as FMLA, provides eligible employees with up to 12 workweeks of unpaid, job-protected leave each calendar year for certain specified family and medical reasons. It also provides for the continuation of pre-existing group health insurance coverage during periods of FMLA leave.

2. *Why would I want to take FMLA leave?*

While you are on FMLA leave, your employment remains protected. When you return from leave you must be restored to your same or an equivalent position. Also, even during any period of unpaid FMLA leave, the state will continue to pay its portion of your health insurance premiums.

3. *Do I have to take FMLA leave if I'm sick?*

As long as the reason you are taking leave is for what's referred to as an FMLA "qualifying condition," you may generally choose whether you want to take advantage of FMLA leave. You may still use your accrued leave even if you choose not to use FMLA leave, but you may become responsible for the full cost of your health care premiums if you enter into a leave without pay situation.

4. *How do I know if I can take FMLA leave?*

To take FMLA leave you must be "eligible" and you must have an FMLA "qualifying condition." To be eligible for FMLA leave you must have worked for the state for a total of at least 12 months. Also, you must have physically worked 1,250 hours in the 12 months prior to the start of your FMLA leave. Your human resource office can help you determine if you are eligible to take FMLA leave.

Qualifying conditions include:

- The birth of a son/daughter, and care for the newborn child;
- Placement in your home of a son/daughter for adoption or foster care;
- To care for your spouse, son/daughter, or parent with a serious health condition;
- Your own serious health condition that makes you unable to perform your job.

5. *Do I get paid if I take FMLA leave?*

FMLA leave is unpaid leave. If you want to be paid while on FMLA leave, you will need to use your accrued leave at the same time you are on FMLA leave.

6. *Do I have to use my own leave when I take FMLA leave?*

You can generally choose whether you want to use your accrued leave at the same time you are on FMLA leave. Remember, FMLA leave is *unpaid leave*, so if you do not use your accrued leave at the same time as your FMLA leave, you will not be paid, and your portion of health insurance premiums will be billed to you rather than deducted from your pay.

7. *Do I still get benefits when I'm on FMLA leave?*

The state continues to pay its share of costs related to health insurance premiums during your period of FMLA leave. This includes health and dental insurance, as well as any other benefits you are eligible to receive during your period of FMLA leave. You must continue to pay for your share of the costs for your health insurance premiums. Retirement credit and leave accrual credit continue only if you are using your own accrued leave at the same time you are on FMLA leave.

8. *Do I have to take my FMLA leave all at once?*

If the FMLA leave is being taken for medical reasons, FMLA leave may be taken in any increment that your health care provider says is necessary. If the FMLA leave is being taken for childbirth, adoption, or foster care placement, your agency management has to agree to allow intermittent use of FMLA leave. Any leave taken intermittently reduces by that same amount the 12 workweeks of FMLA leave available to you each calendar year.

9. *What do I need to do to take FMLA leave?*

Talk to your supervisor and then to your human resource office. Human resources can give you the FMLA application to fill out, as well as the certification that your health care provider will need to complete. You can also find these forms on the state human resource website at www.dhrm.utah.gov. Just click on the “Changes to FMLA” link or go to the “Benefits” link and scroll down to the FMLA section.

10. *Who can I ask about or where can I get more information about FMLA?*

The best place to start is with your human resource office. They should be able to answer any questions you might have or refer you to someone who can find the answer for you. The state human resource website has links to both information and any forms you might need. Visit the human resource website at www.dhrm.utah.gov. The website for the US Department of Labor, the federal agency that is responsible for FMLA, has lots of information about the Act and includes a question and answer section. Visit the US Department of Labor website at www.dol.gov/esa/whd/fmla.